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Report of the Working Group on the Universal Periodic Review

Argentina

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*

* The present document was not edited before being sent to the United Nations translation services.

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1. The Argentine Republic is pleased to submit to the Office of the High Commissioner for Human Rights its position on the 188 recommendations it received in respect of the third cycle of the universal periodic review.

International obligations: cooperation with international agencies

2. Argentina accepts recommendations 107.1, 107.3, 107.4, 107.5, 107.6, 107.7, 107.8 and 107.9.

3. Argentina takes note of recommendation 107.2. In its view, this matter does not fall under the agenda of the Human Rights Council, but rather should be addressed in the appropriate disarmament forums from a perspective of international humanitarian law. In a spirit of transparency, Argentina, as a State that does not possess nuclear weapons, reaffirms its commitment to general, complete, irreversible and verifiable disarmament. Currently, it is analysing how this new treaty could be integrated with the peaceful use of nuclear energy and the non-proliferation regime, the cornerstone of which is the Treaty on the Non-Proliferation of Nuclear Weapons.

National human rights framework

4. Argentina accepts recommendations 107.10, 107.11, 107.12, 107.13, 107.14, 107.15, 107.16, 107.17, 107.18, 107.19 and 107.75.

Gender: domestic violence

5. Argentina accepts recommendations 107.95, 107.96 and 107.97. In that connection, it should be noted that Argentina has recently joined in the Gender Parity Initiative sponsored by the Inter-American Development Bank and the World Economic Forum.

6. Argentina accepts recommendations 107.119, 107.120, 107.121, 107.122, 107.128, 107.129, 107.130, 107.131, 107.134, 107.135, 107.147, 107.148, 107.150, 107.151 and 107.153.

7. In this regard, mention should be made of the recent elevation — pursuant to Decree No. 698/2017 — of the National Council of Women to the National Institute for Women (INAM), which is a decentralized agency at the level of a secretariat of State. INAM was allocated a budget for the 2018 financial year in the amount of 211,548,292 Argentine pesos (approximately US$ 11,193,031), which represents a 30 per cent increase over the previous year's budget. The creation of INAM is evidence of a renewed interest in policies aimed at promoting gender equality and eradicating violence throughout the country. That, in fact, is one of the Government's 100 priority objectives, which are in turn aligned with the 2030 Agenda for Sustainable Development. This is in addition to coordinated interministerial efforts and, at the federal level, the consolidation of the Federal Council of Women.

8. Argentina also accepts recommendations 107.118, 107.120, 107.123, 107.124, 107.125, 107.126, 107.127, 107.128, 107.129, 107.132, 107.133, 107.135, 107.136, 107.137, 107.138, 107.139, 107.140, 107.141, 107.142, 107.143, 107.144, 107.145, 107.146, 107.149 and 107.154. The Argentine State reaffirms its commitment to the implementation of the first National Action Plan for the Provision of Assistance and Prevention and Elimination of Violence against Women (2017–2019) and other relevant policies and laws. The activities envisaged under the National Action Plan will make it possible to achieve progress in areas such as economic discrimination, the rights and freedoms of women and girls, gender parity, countering discriminatory stereotypes, gender equality and equity, preventing violence against women and femicides, access to justice for victims of violence, and awareness-raising campaigns on violence and gender inequality. In addition, Act No. 27.412 concerning gender parity in political representation was adopted on 22 November 2017.

9. Argentina takes note of recommendation 107.152 and draws attention to the fact that, under the National Action Plan for the Provision of Assistance and Prevention and Elimination of Violence against Women (2017–2019), measure No. 17 envisages the establishment of a national network of homes (or shelters) that provide full protection for women; a further 26 homes will be added to the 92 that are currently operating in the country.

Right to health

10. Argentina accepts recommendations 107.100, 107.101, 107.102, 107.103, 107.104, 107.105, 107.106, 107.107, 107.108 and 107.109 and takes note of recommendations 107.110, 107.111, 107.112 and 107.182.

11. Existing legislation in Argentina guarantees universal access to sexual and reproductive health and provides for action to be taken against gender violence, including sexual violence. Although abortion has not been decriminalized, article 86 of the Criminal Code lists four circumstances — among them, rape — in which it is admissible.

12. Argentina is of the view that it possesses a broad legislative framework covering sexual and reproductive rights in general and the right to sexual and reproductive health in particular.

13. In order to reduce the rate of maternal mortality due to unsafe abortions, the Argentine Ministry of Health provides training to health teams so that women receive better-quality care under an integrated approach in which reproductive rights are respected as a fundamental human right and as an obligation incumbent upon all health professionals. In that regard, conscientious objection by health professionals releases them only from performing certain procedures; they are still required to provide information and make appropriate referrals for the persons who consult them.

14. Argentina drafted the National Plan for the Prevention and Reduction of Unplanned Pregnancy during Adolescence in order to draw attention to the importance of bringing down the number of unplanned pregnancies during adolescence, improve the supply of sexual and reproductive health services, help adolescents to make informed decisions and strengthen public policies on the prevention of sexual abuse and violence and access to legal termination of a pregnancy.

Persons with disabilities

15. Argentina accepts recommendations 107.167, 107.168 and 107.169. Work is currently proceeding on the preparation of a national digest of disability-related legislation with a view to harmonizing legislation and on the implementation of a system of inclusive education at all levels.

Indigenous peoples

16. Argentina accepts recommendations 107.76, 107.79, 107.170, 107.171, 107.176 and 107.179.

17. Argentina also accepts recommendations 107.86, 107.98, 107.99 and 107.180 as it is an integral part of the State's responsibility to continue in its progressive improvement of standards in such a way as to enable the full exercise of those rights by groups who enjoy special protection, such as indigenous peoples. Drafting and implementing public policies on inclusion, equality, access to rights and comprehensive and sustainable development for indigenous peoples means moving decisively away from a welfare-based mentality towards a focus on indigenous peoples as rights holders.

18. Argentina accepts recommendations 107.172 and 107.177. In November 2017, the National Congress approved a further extension to Act No. 26.160 of 2006, in which it had decreed emergency measures for the land tenure sector and suspended all legal measures

that might lead to the eviction of indigenous communities from the lands where they were living, until the question of land ownership could be resolved. Given the vital importance that "land" has in the indigenous world view, the State has declared its intention to work with the provinces in a federal-level agreement whereby the cadastral surveys are to be completed before the new extension expires, i.e., within four years.

19. Argentina takes note of recommendations 107.173, 107.175 and 107.178. A process of intercultural dialogue with indigenous communities throughout the country will begin in 2018 with a view to generating the data necessary to ensure and verify free, prior and informed consent.

Equality and non-discrimination

20. Argentina accepts recommendations 107.20, 107.21, 107.22, 107.23, 107.24, 107.25, 107.26, 107.27, 107.28, 107.29, 107.30, 107.31, 107.32, 107.33, 107.34, 107.35, 107.39 and 107.73.

21. Argentina works to combat racial discrimination through the National Institute to Combat Discrimination, Xenophobia and Racism. Campaigns have been stepped up over the past two years with a focus on a number of specific areas, such as persons of African descent, indigenous peoples, migrants and interculturality, and through cross-cutting themes such as discrimination-free work, discrimination-free education, discrimination-free health care, sexual diversity, childhood and adolescence. The Institute also fosters best practices in access to education, health and work on an equal basis for all the aforementioned communities. Awareness-raising materials and area-specific publications are being developed in each of the above-mentioned fields. In addition, training and awareness-raising workshops are held in educational institutions and other organizations with a view to preventing discriminatory practices.

Childhood

22. Argentina accepts recommendations 107.155, 107.156, 107.157, 107.160, 107.161, 107.162, 107.163 and 107.166.

23. Argentina takes note of recommendations 107.158 and 107.159. The family allowance programme has been extended to include low-wage workers in formal employment and independent workers. In August 2017, the programme covered 3.9 million children and adolescents.

Right to education

24. Argentina accepts recommendations 107.113, 107.114, 107.115, 107.116 and 107.117. In fact, it believes that they are already being applied as part of the mandate of the Ministry of Education.

25. The PROMER programme for the improvement of rural education supports organizations and promotes alternative institutional and educational methodologies that are innovative and adapted to individual contexts. This helps to ensure the availability of basic infrastructure, equipment and resources commensurate with organizational models in rural schools.

26. Argentina also gives priority to expanding access to education at the primary level (the 10,000 Classrooms programme) and at the secondary level (the PROMER programme, financial support for building schools and plans to improve vocational education).

Prevention of torture and prisons

27. Argentina accepts recommendations 107.38, 107.40, 107.41, 107.42, 107.44, 107.45, 107.46, 107.47, 107.48, 107.49, 107.50, 107.51, 107.52, 107.53, 107.54, 107.55,

107.56, 107.57, 107.58, 107.59, 107.60, 107.61, 107.62, 107.63, 107.64, 107.65 and 107.66.

28. Regarding recommendations 107.38, 107.46 and 107.47, the Ministry of Security has a telephone line — 0800-555-5065 — which is open 24 hours a day 365 days a year and through which complaints can be submitted confidentially, safely, transparently and free of charge. The complaints are forwarded to the ministry or ministries concerned, which investigate each grievance they receive in regard to matters that fall within their jurisdiction.

29. As regards recommendation 107.40, in 2017 the Directorate for Monitoring the Causes of Institutional Violence and Crimes of Federal Interest, which is part of the Ministry of Security, carried out 12 training sessions on a culture of peace, institutional violence directed against the community, intra-institutional violence and security as a human right. Also in 2017, the Ministry's coordinating body for diversity and non-discrimination organized nine training courses as part of an awareness-raising programme for police and security officers in the Provinces of Neuquén, Chubut, Corrientes and Chaco. For its part, the Directorate for the Implementation of Gender Policies ran a total of 67 training courses in the following areas: 9 courses on human trafficking, within the context of the Se Trata de Vos ("It's About You") programme; 48 courses on workplace and gender violence; and 10 courses on femicide, special leave arrangements for victims of gender violence and others.

30. With regard to recommendation 107.42, no one incarcerated in the Federal Prison Service has been deprived of his or her liberty without a court order.

31. At the federal level, there is a unit for pregnant women and children in which they receive differentiated treatment in view of their status. In addition, there is a differentiated treatment programme for transgender persons.

32. It should also be noted that efforts are being made to reduce violence and conflict. For instance, a special unit for reducing violence has been set up — and its workplan approved — to formulate a public policy to foster peaceful coexistence and prevent violence in all its various forms inside all federal prisons.

33. The system of dynamic security is being strengthened with a view to improving relations between prison staff and inmates. The system is based on the construction of positive and professional relationships and fluid interaction between the two sides. In addition, work is ongoing to bring laws into line with the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) in order to ensure that they are correctly applied.

34. Argentina takes note of recommendation 107.43.

Access to justice

35. Argentina accepts recommendations 107.67, 107.68 and 107.69.

Memory, truth and justice

36. Argentina accepts recommendations 107.70, 107.71 and 107.72.

Migrants, refugees and stateless persons

37. Argentina accepts recommendations 107.181, 107.183, 107.185 and 107.186.

38. Argentina takes note of recommendation 107.184. In fact, Decree No. 70/2017 does not modify the general parameters of migration policy as established in the Migration Act No. 25.871, nor the chapter on rights enshrined therein.

39. A number of the modifications arose from the fact that the State was encountering severe difficulties in giving effect to expulsion orders against foreign nationals who faced legal sanctions pursuant to legislation governing entrance to and residency in Argentina. In many cases, as a result of the complex appeals procedure, there have been delays of many years before a process can be finalized. Cases are often resolved only after a process lasting between four and eight years.

40. The special summary procedure for migrants is fully in line with the provisions of articles 8 and 25 of the American Convention on Human Rights. Persons have the right to be notified of an expulsion order, the right to appeal against it (both administratively and judicially), the right to be heard by the competent authorities, the right to be represented, the right to the services of an interpreter free of charge and the right to consular assistance. Persons who do not have the economic means to obtain legal assistance are assigned a public defender.

41. Decree No. 70/2017 is also fully in line with articles 1, 8, 22 and 25 of the American Convention on Human Rights.

42. Argentina accepts recommendations 107.187 and 107.188. In March 2017 a bill was presented before the Senate regarding a general law for the recognition and protection of stateless persons (Bill No. 0063/2017).

Trafficking in persons

43. Argentina accepts recommendations 107.80, 107.81, 107.82, 107.83, 107.84, 107.85, 107.164 and 107.165. At the national level, the Federal Council for Combating Trafficking in Persons and the Executive Committee for Combating Trafficking have been established. In addition, the Undersecretariat on Access to Justice, which is part of the Ministry of Justice and Human Rights, operates a national rescue programme which investigates complaints and provides care for victims.

Freedom of expression

44. Argentina accepts recommendations 107.77 and 107.78.

45. Argentina also accepts recommendation 107.74. It should be noted that Argentina has acceded to a number of international treaties that guarantee the rights in question. It also supports freedom of expression and the right to public information as fundamental pillars of the democratic system and essential prerequisites for the development of a modern society.

Economic, social and cultural rights

46. Argentina accepts recommendations 107.36, 107.37, 107.89, 107.90 and 107.91.

Right to development

47. Argentina accepts recommendations 107.87, 107.88, 107.92, 107.93 and 107.94.